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Docket No.: 08204/1200311-US2/10.035C2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Paul Szabo et al.

Application No.: 10/644,692

Confirmation No.: 6716

Filed: August 20, 2003

Art Unit: 2157

For: METHOD AND SYSTEM FOR SCALING
NETWORK TRAFFIC MANAGERS

Examiner: Ario Etienne

**PETITION UNDER 37 C.F.R. § 1.78(A)(3) FOR UNINTENTIONALLY DELAYED CLAIM
UNDER 35 U.S.C. § 120 FOR THE BENEFIT OF PRIOR-FILED APPLICATIONS**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:


Applicant hereby petitions the Commissioner pursuant to 37 C.F.R. § 1.78(a)(3) to accept an unintentionally delayed claim for benefit of priority in this application.

This application is a continuation-in-part of U.S. Patent Application Serial No. 10/119,433, filed April 9, 2002 (which was co-pending with the present application when filed), which claimed the benefit of priority under 35 U.S.C. § 119(e) from U.S. Provisional Application Serial No. 60/293,466, filed May 24, 2001. The specification and Application Data Sheet inadvertently and unknown to Applicant or his attorneys failed to refer to the direct parent applications, Serial No's. 10/119,433 and its Provisional 60/293,466.

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Applicant therefore petitions the Commissioner to accept his claim for the benefit of Serial No. 10/119,433 and its Provisional 60/293,466. The entire delay between the date the claim was due under 37 CFR § 1.78(a)(2) and the date of this petition was unintentional.

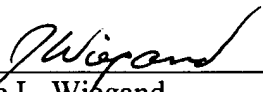
This petition is accompanied by the following:

1. Surcharge under 37 C.F.R. § 1.17(t) in the amount of \$1370.00; and
2. The reference required by 35 U.S.C. § 120, 35 U.S.C. § 119 and 37 C.F.R. § 1.78(a)(2), in the form of an amendment amending the first sentence of the specification following the title to include a reference to the prior-filed applications Serial No's. 10/119,433 and 60/293,466, and also a Supplemental Application Data Sheet.

Applicant submits that all the requirements of 37 C.F.R. § 1.78(a)(3) are satisfied, and the Commissioner is respectfully requested to grant this Petition.

Dated: April 18, 2006

Respectfully submitted,

By 
Jamie L. Wiegand
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Attorneys/Agents For Applicant


Attorney Docket No.: 08204/1200311-US2/10.035C2

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV731506989US in an envelope addressed to:

**MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

on April 18, 2006
Date



Signature


Jamie L. Wiegand
Typed or printed name of person signing Certificate

52,361
Registration Number, if applicable

(206) 262-8915
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Return Receipt Postcard (1)
Amendment Transmittal (1 page)
Petition Under 37 C.F.R. § 1.78(A)(3) for Unintentionally Delayed Claim Under 35 U.S.C. § 120 for the Benefit of Prior-Filed Applications (2 pages)
First Preliminary Amendment (3 pages)
Supplemental ADS (3 pages)
Check in the amount of \$1,370.00 (1)

AMENDMENT TRANSMITTAL LETTER		Docket No. 08204/1200311-US2/10.035C2			
Application No. 10/644,692-Conf. #6716	Filing Date August 20, 2003	Examiner Ario Etienne	Art Unit 2157		
Applicant(s): Paul Szabo et al.					
Invention: METHOD AND SYSTEM FOR SCALING NETWORK TRAFFIC MANAGERS					
TO THE COMMISSIONER FOR PATENTS					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	33	- 33 =		x	
Independent Claims	6	- 6 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): Acceptance of an unintentionally delayed claim for priority					1,370.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					1,370.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. <u>04-0100</u> in the amount of \$ _____ A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> A check in the amount of \$ <u>1,370.00</u> to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>04-0100</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
 _____ Jamie L. Wiegand Attorney/Agent Reg. No.: 52,361				Dated: <u>April 18, 2006</u>	
DARBY & DARBY P.C. P.O. Box 5257 New York, New York 10150-5257 (206) 262-8900					